



C.R.P.(MD)No.2029 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD)No.2029 of 2019
and C.M.P.(MD)No.10422 of 2019

Vijaya Baskar @ M.Vail Ahamed

Rep. his Power Agent through

Vellaiathal

... Petitioner/ Defendant

Vs.

J.Aneesh Sharmila

... Respondent / Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.327 of 2016 on the file of the Principal District Munsif, Karur (now re-numbered as O.S.No.86 of 2019 on the file of the District Munsif cum Judicial Magistrate, Aravakurichi, Karur District).

For Petitioner : Mr.A.P.Muthupandian

For Respondent : Mr.R.Sundar

ORDER

The instant Civil Revision Petition has been filed to struck off the plaint in O.S.No.327 of 2016 on the file of the Principal District Munsif, Karur (now re-numbered as O.S.No.86 of 2019 on the file of the District Munsif cum Judicial Magistrate, Aravakurichi, Karur District).



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2. The revision petitioner is the defendant and the respondent herein is the plaintiff before the Court below.

3. The main ground urged by the learned counsel for the revision petitioner is that according to Section 7 of the Family Courts Act, the Subordinate Judge and District Court are only the competent Court having jurisdiction to try the case relating to the Family Court Act. It is also the submission of the learned counsel for the revision petitioner that the Muslim Women (Protection of Rights of Divorce) Act, 1986, Kazis Act, 1880, which are not factually or legally gone through by the learned Principal Munsif Court. Therefore, on the above ground, the learned counsel prayed to struck off the plaint.

4. However, the learned counsel for the respondent would fairly concede that under the Dissolution of Muslim Marriage Act, there is no specific reference about the Courts in which the application is to be filed.



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5. Therefore, this Court could not find any merit in the instant Civil Revision Petition. However, during the course of arguments, the learned counsel invite the attention of this Court in respect of G.O. (Ms)No.314, dated 27.06.2023, and according to the said Government Order, the jurisdiction of the Family Court at Karur was extended to the entire District of Karur. Therefore, would submit that both the cases may be directed to be transferred to the Family Court, Karur. However, this Court do not want to pass any orders in this petition. And the revision petitioner is at liberty to move application before the concern Court.

6. In the result, the instant Civil Revision Petition stands dismissed. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

08.09.2023

NCC : Yes/No
Index :Yes/No
Ls



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C.KUMARAPPAN.,J.

Ls

To

- 1.The Principal District Munsif,
Karur.
- 2.The District Munsif cum Judicial Magistrate,
Aravakurichi, Karur District
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P(MD)No.2029 of 2019

08.09.2023